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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTELL
Deputy Secretary

Certified Mail - Return Receipt Requested

September 22, 2010

Mr. Orlando Romero, Owner
HC 68 Box 6
Sapello, New Mexico 87745

Re: Industrial Stormwater; SIC 2875; NPDES Compliance Evaluation; Romero Timber Operation; NMU001678; September 2, 2010

Dear Mr. Romero,

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the Federal Clean Water Act.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP) was re-issued effective September 29, 2008 (see **Federal Register/Vol. 73, No. 189/Monday, September 29, 2008** pg. 56572). For questions regarding permitting please see: <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>

Problems noted during this inspection are discussed in the Further Explanations section of the report. You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald
U.S. Environmental Protection Agency
Allied Bank Tower
Region VI Enforcement Branch (6EN-WT)
1445 Ross Avenue
Dallas, Texas 75202-2733

Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Thank you for your cooperation and assistance during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Environmental Scientist/Specialist
Surface Water Quality Bureau

cc: Marcia Adams, EPA, Enforcement Section (6EN-AS) by e-mail
Samuel Tate, EPA (6SF) by e-mail
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail
Diana McDonald, EPA (6EN-WM) by e-mail
Robert Italiano, NMED District II (Santa Fe) by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code			NPDES								yr/mo/day						Inspec. Type		Inspector		Fac Type												
1	N	2	5	3	N	M	U	0	0	1	6	7	8	11	12	1	0	0	9	0	2	1	7	18	~	19	S	20	2				
Remarks																																	
T I M B E R P R O D U C T S																																	
Inspection Work Days						Facility Evaluation Rating						BI		QA		Reserved																	
67						70						71		72		73		74		75		80											
						2						N		N				5															

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)		Entry Time /Date	Permit Effective Date
Romero Timber Processing Site		1043/September 2, 2010	September 29, 2008
From Los Vegas travel north on 518 to Sapello, exit left onto 94, turn left onto 266, travel approximately 2 miles, site on right side of road.		Exit Time/Date	Permit Expiration Date
San Miguel County		1140/September 2, 2010	September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)			Other Facility Data
Mr. Orlando Romero/Owner/505-454-9831			Latitude N 35°46' 08.73" N Longitude W 105° 17' 50.91" W SIC 2875
Name, Address of Responsible Official/Title/Phone and Fax Number			
Mr. Orlando Romero, Owner, HC 68 Box 6, Sapello, New Mexico 87745/ 505-454-9831, fax 505-454-1046			
Contacted			
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. See attached finding.

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB/505-827-2575/505-827-0160	Date 9/23/2010
Signature of Management QA Reviewer Richard E. Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798 and 827-0160	Date 09/22/2010

**Multi-Sector General Permit
Compliance Evaluation Inspection
NPDES Permit NMU001678
Inspection Date: September 2, 2010**

Further Explanations

Introduction

On September 2, 2010, a Compliance Evaluation Inspection (CEI) was conducted at the timber processing/mulch storage field owned and run by Mr. Orlando Romero. The inspection was conducted by Mr. Daniel Valenta of the Surface Water Quality Bureau (SWQB) New Mexico Environmental Department (NMED). The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for "stormwater discharges associated with industrial activity" under 40 Code of Federal Regulations (CFR) 122.26(b) (14). The site has industrial activities being conducted that meet the descriptions in Section C (Compost) of the 2008 Multi-Sector General Permit (MSGP) effective on September 29, 2008 and expiring at midnight on September 29, 2013. Additional information from the U.S. Environmental Protection Agency (USEPA) on the MSGP is available at http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet.

This CEI report is based on on-site observation by NMED personnel and verbal information provided by Mr. Romero. The site is located in a valley estimated 2,000 feet wide running east to west. The Sapello River runs along the north side of the valley, the land slopes gently to the north. The valley is primarily used as grass pasture for grazing cattle or the production of hay, (see site overview). The process/storage site is approximately 180 ft. from the Sapello River in Segment 20.6.4.307 of the Canadian River Basin. *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*. This segment includes the designated uses of marginal coldwater aquatic life, warmwater aquatic life, livestock watering, wildlife habitat, and secondary contact.

An entrance interview was conducted at the process site with Mr. Orlando Romero at approximately 1043 hours on September 2, 2010. The inspector presented credentials and discussed the purpose of the inspection. The inspector and Mr. Romero toured the site and the interface with the river. Upon completion an exit interview to discuss the preliminary findings of this inspection was conducted with Mr. Romero. The Inspector left the site at approximately 1140 hours on September 2, 2010.

Finding

- *Section 301 (a) of the Federal Water Pollution Control Act (a.k.a. Clean Water Act) states that "Except as in compliance with this section and sections 302, 206, 207, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."*
- *40 Code of Federal Regulations Part 122.21 (a) Duty of apply (1) states "Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

The operation did not have NPDES permit coverage on the date of this inspection, and the representative did not appear to have knowledge of the NPDES permit program or the required SWPPP. As with many of the residents in the area they engage in a variety of part-time revenue generating activities, from ranching, farming, and timber. No chemicals were found to be used at the site. Bark is stripped from trees thinned from the forest and the small posts are sold. Small scattered piles of bark are accumulated which are then sold when a large enough amount is gathered to a landscaping or composting facility, (see site overview). A wide buffer zone prevents any material from entering the Sapello River by stormwater runoff and no visual evidence was found of material in the water course.

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The pollutants resulting from lumber activities and the residue generated are conventional in nature. Low pH levels can result from leachate of decaying organic materials. Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD) may be elevated in the leachate. In addition to leachate, washed away residue particles may contribute to TSS loading. Equipment and machinery at the site may result in the discharge of oil and grease.

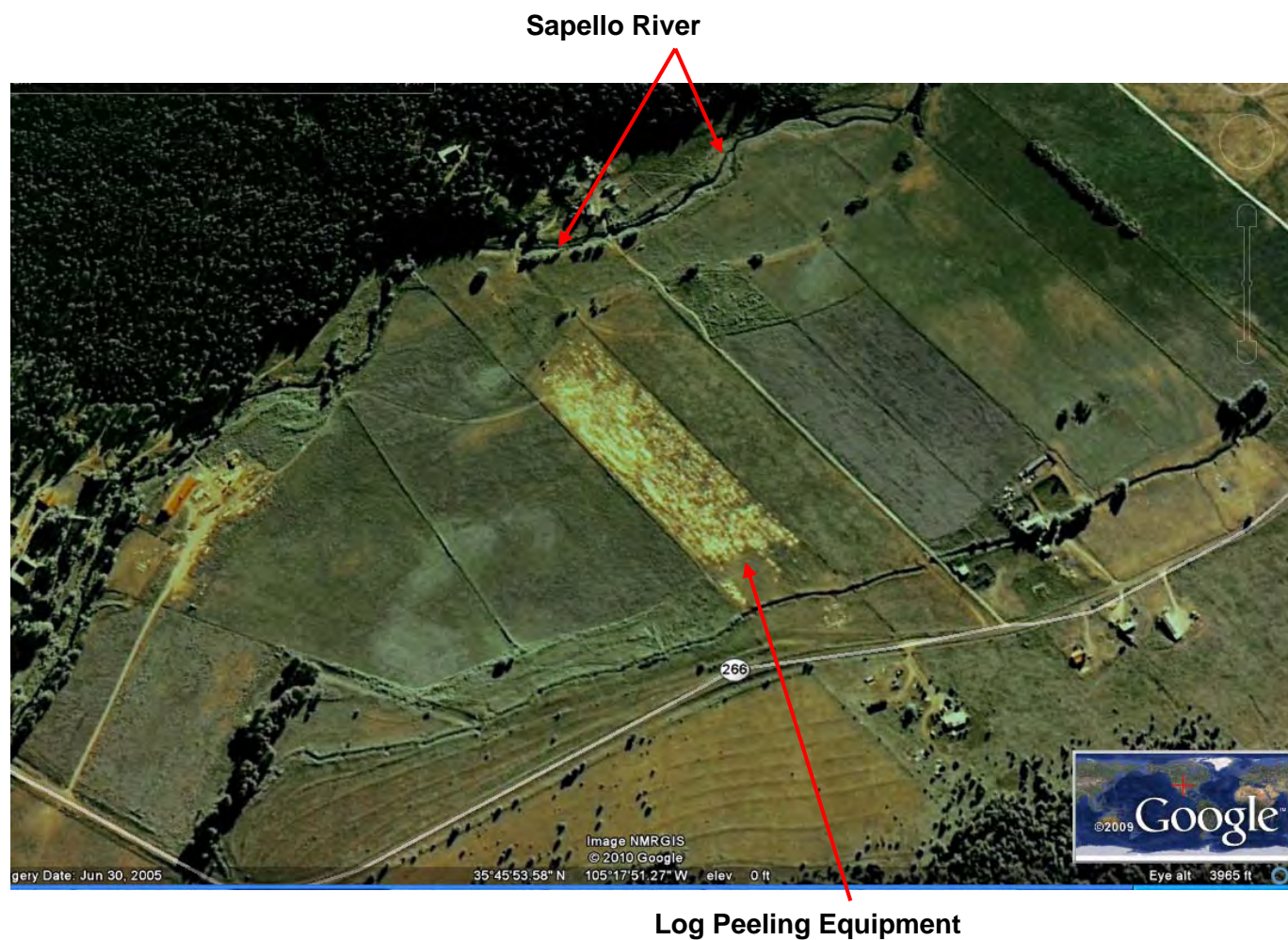
Mr. Romero was briefly informed of the requirements under the NPDES stormwater program regarding permitting requirements and preparation of a stormwater pollution prevention plan (SWPPP).

A SWPPP should include such things as:

- A description of potential pollutant sources-including a site map, an identification of the types of pollutants that are likely to be present in stormwater discharges, an inventory of the type of materials handles at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from site activities and identification of specific potential pollutants; and
- A description of appropriate measures and controls – includes the type and location of existing and proposed non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. Non-structural and structural BMP's to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, employee training, record keeping, non-stormwater evaluations and certifications, sediment and erosion controls, as well as implementation/maintenance of traditional stormwater management practices, where appropriate.

**NMED/SWQB
Site Overview**

City/County: Approximately 3 miles southwest of Sapello, NM County: San Miguel		
Location: 261 NM Highway 266 Sapello, NM 87745		
Subject: The field used to store the bark and shaving from the tree processing operation. The storage area shows up lighter than the surrounding unused fields. Photo not taken on day of inspection.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 9/2/2010	Time: 1124
City/County: Approximately 3 miles southwest of Sapello, NM County: San Miguel		
Location: 261 NM Highway 266 Sapello, NM, facing south toward Hwy 266.		
Subject: Piles of tree bark scattered in pasture waiting to be picked up.		

